

have been raised by the present amendment.

Reconsideration is respectfully requested of the objection to the drawings under 37 C.F.R. § 1.84(p)(4) as using the same reference number to designate two elements.

The instances noted by the Office Action have been corrected in the amendments made to the specification hereby.

Reconsideration is respectfully requested of the objection to the drawings under 37 C.F.R. § 1.84(p)(5) as including a reference number not mentioned in the specification.

The instances noted by the Office Action have been corrected in the amendments made to the specification hereby.

Reconsideration is respectfully requested of the objection to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature specified in the claims.

Applicants respectfully submit, however, that Figs. 2-4 show the O-ring 18, so that the drawings need not be amended.

Reconsideration is respectfully requested of the rejection of claims 1, 3-10 under 35 U.S.C. § 103(a), as being unpatentable over the Admitted Prior Art (APA) in view of U.S. Patent No. 82,863 to Munson et al.

Applicants have carefully considered the Examiner's comments and the cited references, and respectfully submit that

independent claim 1 is patentable over the cited references for at least the following reasons.

This invention is intended to improve a cover latch for a dispenser comprising a pull rod, a handle attached on one end to the pull rod, a support member attached to another end of the pull rod, a plurality of latches attached to the support member for engaging corresponding catches in the dispenser when the cover latch is in a locked position, and a plurality of springs attached to the support member for maintaining the cover latch in the locked position, wherein pulling the handle compresses the plurality of springs and disengages the plurality of latches from the catches.

The APA, as understood by Applicants, relates to a latch mechanism shown in Fig. 1. The latch mechanism utilizes a push bar that is depressed by a user to disengage latches and unlock the cover. The latches engage catches molded into the cover to lock the cover in place. The push springs bear against surfaces in the base of the dispenser. As the cover is closed, the catches formed in the cover contact and slide along the push latch ramps, the push springs are compressed, and the latch mechanism moves into the body of the dispenser. When the catches clear the end of the push latch ramps, the push springs expand

and cause the latch mechanism to snap into the locked position. Fully depressing the push bar into the dispenser disengages the push latch ramps from the catches and allows the cover to be opened. The push latch ramps are necessarily oriented toward the push bar in order to allow them to disengage from the catches when the push bar is depressed. Similarly, the push springs are necessarily oriented away from the push bar and toward the push latch ramps in order to compress when the push bar is depressed to disengage the latches.

The Office Action notes that the APA does not disclose a pull rod, wherein pulling a handle attached to the rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser and, for that reason, Munson et al. is cited to show a latch mechanism that a user has to pull a rod by a handle to compress a spring in order to disengage a latch from a catch.

Munson et al., as understood by Applicants, relates to an improvement in a window spring, consisting in the arrangement of a bolt within a case, and projecting from the case, so as to pass into a notch cut in the face-side of the sash. The bolt is combined with a rod, which extends through the jamb and is provided with a shoulder, and passes through a rose or a plate.

When the spring is drawn out by the rod, the shoulder on the rod may be dropped onto the plate, so as to hold the bolt withdrawn from the sash in order to enable a person to apply both hands to the raising or lowering of the window, as the case may be.

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art itself suggested the desirability of the modification. See In re Fritch, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The motivation to modify cannot come from the present invention. See Heidelberger Drucksmaschinen AG v. Hantscho Commercial Products, 21 F.3d 1068, 1072, 30 U.S.P.Q.2d 1377, 1380 (Fed. Cir. 1994).

It has been held that "[a] rejection based on section 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art . . . The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." In re Warner and Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (CCPA 1967).

The Office Action maintains it would have been obvious to

one of ordinary skill in the art at the time the invention was made to reverse the springs of the APA, in order to perform a pulling act, because it would have the same purpose of disengaging the latches from the catches in order to open or close the cover.

Applicants do not maintain they have invented a pull rod or a plurality of springs. It is the use of a pull rod, wherein pulling a handle attached to the rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser that forms some of the important features of this invention, as set forth in the claims.

Applicants respectfully submit that, even combining the APA with Munson et al., the subject matter of amended independent claim 1 is not disclosed. The APA provides no suggestion of any benefits to be had by incorporating a pull rod. On the contrary, APA appears to show a push bar, presumably for depressing to disengage latches and unlock a cover. This is the typical design this invention seeks to improve. See specification, page 3, lines 7-16. Equipping the cover latch mechanism of the APA with a pull rod therefore directly contradicts the teachings of the APA since a rod would be unable to withstand the stress of pushing without simply bending or breaking in the middle.

Munson et al. is likewise completely silent regarding the benefits of use of a pull rod, wherein pulling a handle attached to the rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser as in this invention. Incorporating such a pull rod in Munson et al. is useless since the Munson window-spring would not operate as intended. The rod of Munson is specifically designed to work with a single window spring and must have a shoulder to allow the rod to be dropped onto a plate to hold a bolt withdrawn from a sash in order to enable a person to apply both hands to the raising or lowering of a window.

Providing the APA and Munson et al. with a pull rod, wherein pulling a handle attached to the rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser as the Office Action suggests would therefore contradict the teachings of both the APA and Munson et al.

Accordingly, for the above-stated reasons, it is respectfully submitted that amended independent claim 1 is patentable over the cited references.

Claims 3-10 depend from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons,

claims 1, and 3-10 are also submitted to be patentably distinct thereover.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 U.S.C. § 103(a), as being unpatentable over the APA and Munson et al. in view of U.S. Patent No. 4,129,325 to Hern et al.

Applicants have carefully considered the Examiner's comments and the cited references, and respectfully submit that claim 2 is patentable over the cited references for at least the following reasons.

The Office Action notes that the APA and Munson et al. do not disclose an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle and, for that reason, Hern et al. is cited to show an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle.

Hern et al., as understood by Applicants, relates to a door latch for a cab whereby a door is held in an open position by the latch witch is operative by a handle passing through the cab having linear motion to operate a pawl having pivotal motion for engaging a detent on the door.

Claim 2 depends from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claim 2 is also submitted to be patentably distinct thereover.

Attached hereto is a version with markings to show changes made to the claims by the current amendment.

The references cited as of interest have been reviewed, but are not seen to show or suggest the present invention as recited in the amended claims.

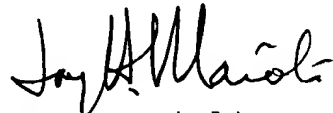
The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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JHM:SL

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning on page 5, line 20 has been amended as follows:

A preferred embodiment of a cover latch 10 for a dispenser is shown in Fig. 2 and Fig. 3. The cover latch 10 may be formed of plastic, metal or any material that has sufficient tensile strength per square inch to form a thin, lightweight assembly that resists deformation and breakage. The preferred embodiment is composed of two main molded plastic parts, a T-shaped pull rod assembly 12 and a U-shaped pull latch assembly 20. The two assemblies and their components may be molded as one unit, or separately formed and attached by being threaded together, snapping together or being held together by any fasteners that ensure the assemblies will not detach while in use.

The paragraph beginning on page 7, line 4 has been amended as follows:

The O-ring 18 is used to prevent infiltration of water into the dispenser apparatus. It may be placed on a free end of the rod 16 during assembly before attaching the rod 16 to the pull

latch assembly 20. Alternatively, the O-ring 18 may be placed on the free end of the rod [18] 16 before attaching the handle 14 to the free end. The O-ring 18 is preferably positioned on the outside of the body of the dispenser in a small recess molded into the dispenser body to receive the O-ring 18 when the cover latch 10 is in the locked position. The O-ring 18 is held in compression against this recess by the springs 22 and thus prevents water or other contaminants to enter the dispenser when the cover is locked.

The paragraph beginning on page 7, line 18 has been amended as follows:

The springs 22 are shown in detail in Fig. 2 and Fig. 4. They are designed to keep the cover latch 10 in the locked position by bearing against a compression surface [34] 30 molded or built into the dispenser. They are located on the bottom of the "U" and oriented toward the handle [12] 14 and away from the latches 24. The springs 22 as shown are in the same plane as the pull latch assembly 20, but any angle may be used provided the compression surface [34] 30 is correspondingly designed. Furthermore, the springs 22 as shown are leaf springs, but many different types of springs may be used with the same results.

The paragraph beginning on page 8, line 12 has been amended as follows:

An opening and closing operation using the cover latch 10 will now be described with reference to Fig. 4 and Fig. 5, which depict a representative dispenser apparatus. The cover latch 10 removably slides along channels in the base of the dispenser. When the cover 32 of the dispenser is being closed by rotating on hinges 34 on either side of the handle 14, the latch ramps 26 of the latches 24 contact the catches 28 in the cover. The catches 28 slide along the surfaces of the latch ramps 26, compressing the springs 22 against the compression surface [34] 30 of the dispenser. At the same time this moves the cover latch 10 downward so that the handle projects out of the body of the dispenser. When the catches 28 clear the end of the latch ramps 26, the springs 22 expand and move the cover latch 10 into the locked position, drawing the handle 14 against the dispenser body.

The paragraph beginning on page 8, line 22 has been amended as follows:

It should be noted that the cover may be entirely removable, or attached to the housing via a hinge, or the like. The

dispenser in Fig. 4 and Fig. 5 features a hinged cover, but the cover latch 10 is equally effective with non-hinged covers. For example, the hinges [28] 34 may be replaced by a slot designed to support the cover by receiving a tab molded onto the cover, allowing the cover to then be locked in place by the cover latch 10 as above.

The paragraph beginning on page 9, line 5 has been amended as follows:

In order to open the cover 32, a person simply pulls the handle 14 away from the dispenser body. The springs 22 are compressed against the compression surface [34] 30 and the latches 24 disengage the catches 28. The cover 32 may then be swung open as shown in Fig. 5. The cover latch 10 returns to the locked position when the handle 14 is released, causing the springs 22 to expand.